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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,899	03/16/2004	Shinichi Yamada	13869.28US01	4637

7590

02/14/2006

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EXAMINER

NGUYEN, XUAN LAN T

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/802,899	Applicant(s) YAMADA, SHINICHI	
	Examiner Lan Nguyen	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto (JP 09126264A).

Re: claim 1, Yamamoto shows a rotary damper, as in the present invention, comprising: an oil chamber within a housing 2, 5, 6, said oil chamber being divided into two chambers 22, 23 by a vane 17, a shaft 11 fixed to a base part of the vane and supporting said vane to allow oscillation in relation to said housing, wherein the oil chamber generates a damping force by passing operation oil between said two oil chambers when said vane oscillates, wherein: a seal part provided on said base part dividing in a fluid-tight manner between a bearing 14 rotatably supporting said shaft on said housing, and said two chambers; and said seal part comprises a pair of washers 9, 9, sandwiched between an inner face of said two chambers and the base part, and the base part contacting said washers, as shown.

Re: claim 2, Yamamoto further shows said seal part further comprises an inner face of said housing and a sealing member 18 provided to said vane which seals in a

fluid-tight manner between said vane and the inner face of said housing, see page 3, paragraph [0026].

Re: claim 3, Yamamoto further discloses interconnected fitting grooves are formed in each part of said vane facing the inner face of said two chambers, and said sealing member is fitted and secured in said fitting grooves in page 3, paragraph [0026].

Re: claim 4, Yamamoto shows said base part to be located between said fitting grooves and said shaft in figure 2 with the phantom line on vane 17 representing the fitting grooves.

Re: claim 5, Yamamoto shows said sealing member 18 contacts the periphery of said washers 9, 9 in page 3, paragraph [0026].

Re: claim 6, Yamamoto shows said sealing member 18 comprises an elastic body, and the external dimension of a part in sliding contact with the inner face of said housing is larger than the dimension of the inner face of said housing in page 5, paragraph [0057], wherein Yamamoto describes that seal 18 is crushed.

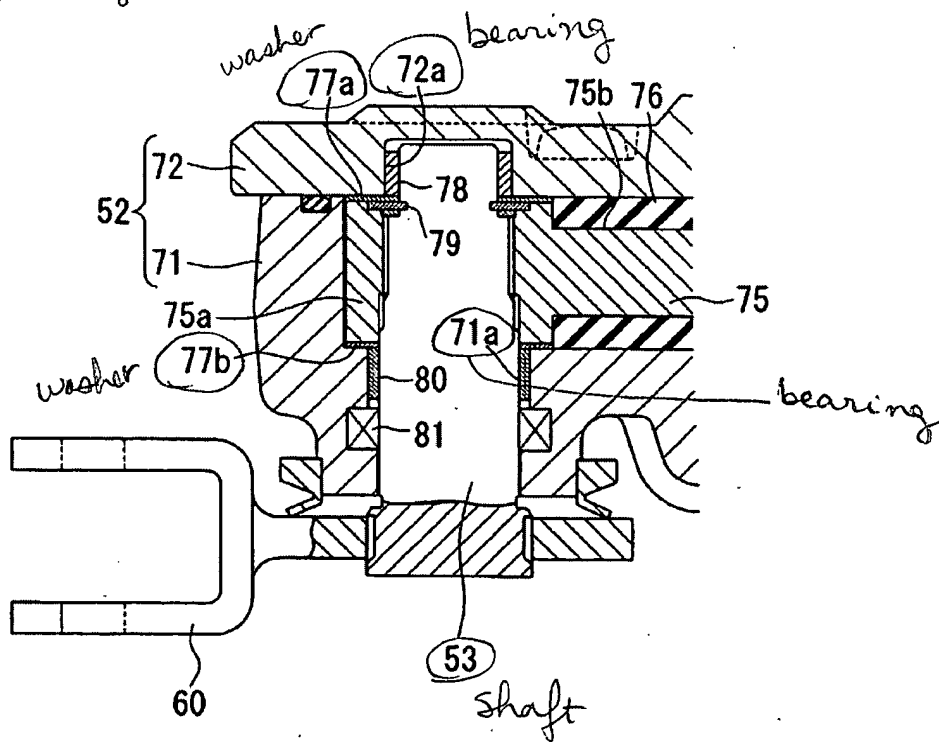
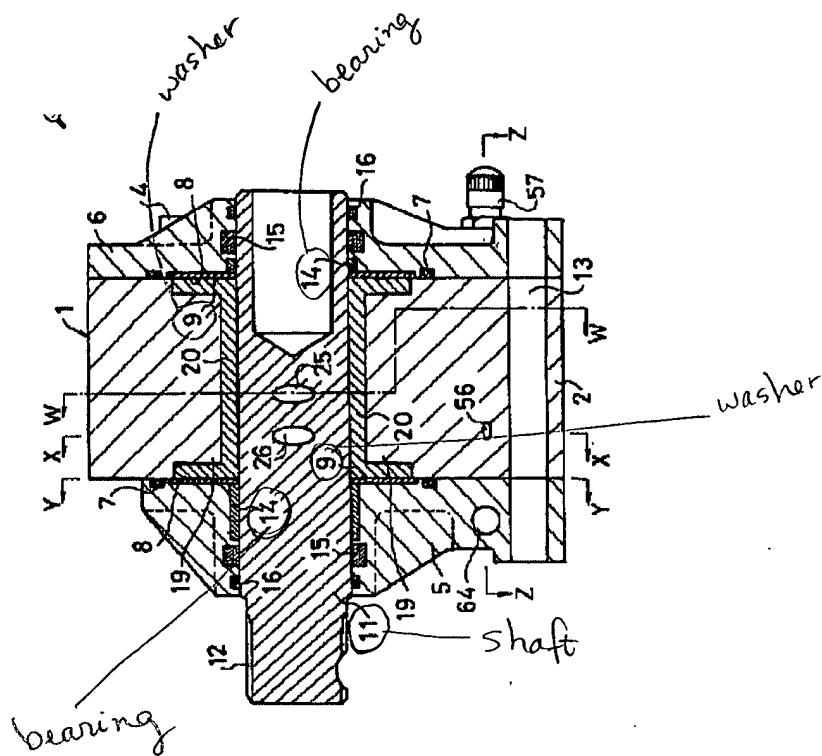
Re: claim 7, Yamamoto also shows said housing is provided with a body 2 and a cap 5 holding said shaft 11 and said vane 17 is contained within said two chambers 22, 23 of a fan-shape, formed between said body and cap.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are found to be non-persuasive. Applicant argues that Yamamoto's washers 9, 9 are not provided on said base part and therefore do not provide a fluid tight seal on the base

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part to divide a shaft bearing from the two chambers in a fluid tight manner as required by claim 1. Figure 7 of Yamamoto is reproduced and marked below in comparison to Applicant's figure 14. The arrangements of the two are similar as shown. The rejection is therefore deemed proper and is repeated above.



Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571) 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Nguyen
Primary Examiner
Art Unit 3683

 2/9/06